

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MADELINE HAMMONDS,
MACKENZIE HAMMONDS, and MARISSA
HAMMONDS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MELISSA HAMMONDS,

Respondent-Appellant.

UNPUBLISHED
September 15, 2005

No. 260955
Chippewa Circuit Court
Family Division
LC No. 03-012866-NA

In the Matter of MADELINE HAMMONDS,
MACKENZIE HAMMONDS, and MARISSA
HAMMONDS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

STEVE HAMMONDS,

Respondent-Appellant.

No. 261023
Chippewa Circuit Court
Family Division
LC No. 03-012866-NA

Before: Smolenski, P.J., and Murphy and Davis, JJ.

PER CURIAM.

In these consolidated appeals, respondents Melissa Hammonds (now Melissa Glaser) and Steve Hammonds appeal as of right the trial court's order terminating their parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court took jurisdiction over the children on grounds of neglect by respondent mother who had custody during the parties' divorce. Children's Protective Services had received numerous referrals regarding respondent mother. She admitted the material allegations in the petition, including poor home conditions, multiple safety risks, and allowing a registered sex offender to live in the home. A dispositional order was entered on June 5, 2003. Respondents worked on parent-agency agreements requiring suitable housing and employment, parenting classes, psychological evaluations, substance abuse assessments and treatment, and visiting the children regularly. Respondents partially complied with these provisions.

The trial court did not clearly err in terminating respondents' parental rights under MCL 712A.19b(3)(c)(i) and (g). MCR 3.977(J); *In re Trejo Minors*, 462 Mich 341, 362-363; 612 NW2d 407 (2000). Respondent father's main barrier was alcohol abuse, but he steadfastly refused to undergo substance abuse treatment. Respondent father stopped attending supervised visitations after June 2004. He went to the children's residence in September 2004 in a drunken state and created a disturbance. Respondent mother did obtain suitable housing and the children were returned to her for a time, but she was not paying rent and had unrelated persons living with her or watching the children. These included a registered sex offender who stayed for at least one night and possibly babysat the children. Respondent mother disobeyed court orders regarding visitation and who could have contact with the children. The court did not clearly err in finding, with regard to both respondents, a failure to provide proper care and custody and that the conditions of adjudication continued and would not likely be rectified within a reasonable time.

It is unnecessary to consider subsection (j), because only one ground need be satisfied to terminate parental rights. MCL 712A.19b(3); *In re SD*, 236 Mich App 240, 247; 599 NW2d 772 (1999). We have considered all of respondent mother's other arguments in light of the record and find them lacking in merit. The trial court's findings were supported by the record and were not clearly erroneous.

We likewise reject respondent father's argument that the trial court erred in failing to sua sponte continue or adjourn the final hearing to await respondent father's recovery from a brain aneurysm. Respondent father had been transferred to a Detroit area hospital and it was not known when, or if, he would recover. No continuance or adjournment was requested below, and a guardian ad litem was appointed for respondent father. Respondent father's counsel effectively cross-examined petitioner's witnesses, brought out respondent father's positive traits and good relationship with the children by questioning respondent's mother, and called a witness on his behalf. Respondent father's absence from the hearing caused no prejudice, and it was not in the children's best interest to delay the hearing while waiting for an uncertain future event. See *In re Vasquez*, 199 Mich App 44, 48; 501 NW2d 231 (1993); *In the Matter of Render*, 145 Mich App 344, 348-350; 377 NW2d 421 (1985). Moreover, there was strong evidence supporting termination of respondent father's parental rights.

Finally, the evidence did not show that termination of respondents' parental rights was clearly not in the children's best interests. *Trejo, supra* at 354. Although respondents were well-bonded with the children, clearly respondents had not resolved the problems that brought the children into the court's care. The children need a safe, stable, permanent home, which neither

respondent can provide. We find no clear error in the trial court's determination on the best interests issue.

Affirmed.

/s/ Michael R. Smolenski

/s/ William B. Murphy

/s/ Alton T. Davis